

HJ 8 – MARCH 26, 2007

- **ACCORDING TO A STUDY REQUESTED BY MONTANA'S CONGRESSIONAL DELEGATION AND PRODUCED BY CHARLES KEEGAN OF THE BUREAU OF BUSINESS AND ECONOMIC RESEARCH, THE TIMBER INDUSTRY REQUIRES APPROXIMATELY 800 MILLION BOARD FEET ANNUALLY TO OPERATE AT PEAK EFFICIENCY.**
- **CAPACITY UTILIZATION IN 2004 WAS 77 PERCENT AND CURRENTLY IS EVEN LOWER THAN THAT WITH SEVERAL MILLS CURTAILING OPERATIONS BECAUSE OF LACK OF WOOD FIBER AVAILABLE ON FEDERAL LANDS DUE IN LARGE PART TO APPEALS AND LITIGATION.**
- **THERE ARE MILLIONS BOARD FEET OF TIMBER SITTING IN A MISSOULA COURTROOM TIED UP IN LITIGATION BY INDIVIDUALS WHO HAVE NOTHING TO LOSE BY FILING LAWSUITS AND FRANKLY SOMETHING TO GAIN IF THEY PREVAIL ON EVEN A SLIGHT TECHNICALITY BECAUSE WE THE TAXPAYERS END UP PAYING ATTORNEYS FEES UNDER THE FEDERAL EQUAL ACCESS TO JUSTICE ACT.**
- **THE PURCHASERS OF TIMBER SALES POST BONDS TO ENSURE THE WORK IS DONE ACCORDING TO THE CONTRACT AND WHEN A LAWSUIT IS FILED AND A SALE HALTED, THE BOND SITS WHILE THE CASE IS DECIDED.**
- **IT SEEMS ONLY FAIR THAT SOMEONE ATTEMPTING TO HALT A SALE SHOULD HAVE SOMETHING AT RISK BECAUSE COURT ACTIONS SHOULD BE CONSIDERED VERY SERIOUS AND CONDUCTED AS AN EXCEPTION NOT A RULE – THAT IS NOT THE CASE CURRENTLY.**
- **ONE ENTITY ALONE IN MISSOULA IN 2004 FILED ELEVEN LAWSUITS AGAINST THE FOREST SERVICE. MUCH OF THE TIMBER INVOLVED IS PAST COMMERCIAL VALUE**

AND HAS ROTTED ON THE STUMP THUS WASTING A VALUABLE PUBLIC RESOURCE. YET THE SERIAL LITIGANTS RISK NOTHING.

- **WE DEFINITELY SUPPORT THE CONCEPT OF HAVING LITIGANTS POST A BOND WHEN FILING A LAWSUIT AGAINST ACTIVE FOREST MANAGEMENT IN THE FORM OF LOGGING AND URGE PASSAGE OF HOUSE JOINT RESOLUTION 8.**
- **THANK YOU.**

Ellen Engstead, MWPA
431-9792